



AMHERST *Massachusetts*

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PRESS RELEASE

INCREASE IN EDUCATION AND ENFORCEMENT, SPRING 2011

March 25, 2011

In an effort to educate the college community of the Amherst bylaws pertaining to alcohol and noise, Amherst Police *Sector Officers* will be going door to door distributing handouts that explain the bylaws, as well as the associated fines or arrest options when enforcing the bylaws. Officers will be disseminating information and speaking with residents regarding open containers of alcohol in public, minors in possession of alcohol, keg possession and complaints of excessive noise and riotous behavior. In addition, the University of Massachusetts at Amherst Police Department will have their Community Policing Unit out in full force this weekend, distributing flyers and engaging students to discuss expected behavior, both on and off campus. With both police agencies working concurrently to educate the community, our shared goal is to deter unlawful behavior that disrupts the campus and Amherst community.

A review of activity levels from September to March of this year, as compared to the same period in 2009 to 2010, has found that the instances of open container of alcohol violations has decreased by 16%, which is evidence that the message is getting out to the campus community. However, during the same time periods there has been a 35% increase in noise complaints from Amherst community members, which is concerning.

In addition, the Amherst Police Department will have additional police officers on duty starting this weekend and continuing through graduation. Amherst Police Officers and UMASS Police Officers will also be conducting joint patrols during these periods. This increased staffing and enforcement is to properly address and deter destructive behavior that is so problematic in the later part of spring.

Please see the attached bylaw handout.

Questions regarding this Educational and Enforcement Initiative can be forwarded to Captain Christopher G. Pronovost at 413-259-3216 or pronovostc@amherstma.gov.



Amherst Town By-laws /Massachusetts General Laws

TBL A2 s6 **Open Containers of Alcohol / Public Property**

No person shall consume any alcoholic beverage nor possess or transport any open can, bottle or other container containing any alcoholic beverage outdoors on any town street, sidewalk, way and public property including but not limited to parking lots, parks, school playgrounds, recreation areas, or conservation areas.

Penalties- \$300 civil infraction or any person or persons who violate this by-law may be arrested without a warrant, provided that the violation occurs in the presence or view of a Police Officer.

TBL A2 s3 **Unlawful Noise**

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the town of Amherst.

If the person or persons responsible for an activity cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

Penalties- Verbal Warning issued or \$300 civil infraction. Any person or persons who violate this by-law may be arrested without a warrant, provided that the violation occurs in the presence or view of a Police Officer.

TBL A24 s4 **Keg Possession**

Within the Town of Amherst, it **shall be unlawful** for any person other than a licensee at a licensed establishment or activity **to sell or dispense a malt beverage from a keg**, or to otherwise **possess a keg, unless such person has been issued a valid keg license**.

An application for a keg license may be picked up at the Amherst Police Department.

Penalties Any person in violation shall be fined \$300 for a first offense and subsequent offense.

MGL C269: S2 Refuse to depart or assist suppressing assembly

Section 2. Whoever, being present and being so commanded to assist in arresting such rioters or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, **refuses or neglects to obey such command, or, if required by such magistrate or officer to depart from the place, refuses or neglects so to do, shall be considered one of the rioters or persons unlawfully assembled**, and shall be punished by imprisonment for not more than one year or by a fine of not less than one hundred dollars or more than five hundred dollars, or both. **A police officer may arrest without a warrant any person who violates this section.**

MGL C138: S34C Minor Possession/Transporting Alcohol Section 34C.

Whoever, being under twenty-one years of age and not accompanied by a parent or legal guardian, knowingly possesses, transports or carries on his person, any alcohol or alcoholic beverages, shall be punished by a fine of not more than fifty dollars for the first offense and not more than one hundred and fifty dollars for a second or subsequent offense; provided, however, that this section shall not apply to a person between the ages of eighteen and twenty-one who knowingly possesses, transports or carries on his person, alcohol or alcoholic beverages in the course of his employment.

A police officer may arrest without a warrant any person who violates this section. A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court, and said registrar shall thereupon suspend for a period of ninety days the license of such person to operate a motor vehicle

TBL A2 Nuisance House

The Town of Amherst will impose liability on property owners and other responsible persons for the public nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings

Public Nuisance - means a gathering on any premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood. Unlawful conduct includes, but is not limited to excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, fights, disturbances of the peace, littering and the service of alcohol to underage persons.

It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place where at least one underage person consumes an alcoholic beverage, provided that person either knew or reasonably should have known that an underage person consumed an alcoholic beverage, and that person failed to take reasonable steps to prevent the consumption of alcohol by an underage person.

Penalties- Violators will be fined in the amount of \$300 for first and subsequent offenses.

The Amherst Police Department is committed to ensuring the safety of the residents of Amherst, the safeguarding of all constitutional guarantees and the protection of property. This mission will be accomplished by our commitment to rapid suppression of any and all riotous activities, and enforcement of all applicable Massachusetts General Laws and Town By-Laws. The above information is intended as a reference only. It is provided for you by the Amherst Police Department. It is intended as a reference only. More information can be obtained on line @ amherstma.gov or Mass.gov/legis/laws/mgl.